

UNITED STATES OF AMERICA :

v.

EDUARDO LUIS LUGO

CRIMINAL NO. _____

: DATE FILED: _____

: VIOLATIONS:

: 21 U.S.C. § 841(a)(1) (possession with

: intent to distribute cocaine base “crack” -

: 1 count)

: 18 U.S.C. § 924(c) (possession of

: firearm in furtherance of a drug

: trafficking crime - 1 count)

: 18 U.S.C. § 922(g)(1) (possession of

: firearm by convicted felon - 1 count)

: Notice of forfeiture

: Notice of prior convictions

: Notice of additional factors

COUNT ONE

On or about May 15, 2004, at Reading, in the Eastern District of Pennsylvania,

defendant

knowingly and intentionally possessed with intent to distribute in excess of 5 grams, that is, 7.9 grams, of a mixture or substance containing a detectable amount of cocaine base (“crack”), a Schedule II controlled substance.

In violation of Title 21, United States Code, Sections 841(a)(1) and (b)(1)(B).

COUNT TWO

THE GRAND JURY FURTHER CHARGES THAT:

On or about May 15, 2004, at Reading, in the Eastern District of Pennsylvania,
defendant

EDUARDO LUIS LUGO

knowingly possessed a firearm, that is, a Smith and Wesson, .38 special, serial number D327681,
in furtherance of a drug trafficking crime for which he may be prosecuted in a court of the United
States, that is, possession with intent to distribute a controlled substance, in violation of Title 21,
United States Code, Section 841(a)(1).

In violation of Title 18, United States Code, Section 924(c)(1).

COUNT THREE

THE GRAND JURY FURTHER CHARGES THAT:

On or about May 15, 2004, at Reading, in the Eastern District of
Pennsylvania, defendant

EDUARDO LUIS LUGO,

having been convicted in a court of the Commonwealth of Pennsylvania of a crime punishable by imprisonment for a term exceeding one year, knowingly possessed, in and affecting interstate commerce, a firearm, that is a Smith & Wesson, .38 special, serial number D327681.

In violation of Title 18, United States Code, Section 922(g)(1).

NOTICE OF PRIOR CONVICTION

THE GRAND JURY FURTHER CHARGES THAT:

_____ Defendant EDUARDO LUIS LUGO committed the offense charged in Count Three of this indictment after the following felony drug offense conviction in a court of the Commonwealth of Pennsylvania had become final:

1. Possession with intent to deliver a controlled substance: C.P. Berks County, Docket # 4387/99.

NOTICE OF FORFEITURE

THE GRAND JURY FURTHER CHARGES THAT:

As a result of the violations of Title 18, United States Code, Sections 924(c) and 922(g)(1) set forth in Counts Two and Three of this indictment, defendant

EDUARDO LUIS LUGO

shall forfeit to the United States of America, pursuant to Title 18, United States Code, Section 924(d) and Title 28, United States Code, Section 2461(c), all firearms and ammunition involved in the commission of these offenses, including, but not limited to:

(1) a Smith & Wesson, .38 special, serial number D327681

All pursuant to Title 28, United States Code, Section 2461(c), and Title 18, United States Code, Section 924(d).

NOTICE OF ADDITIONAL FACTORS

THE GRAND JURY FURTHER CHARGES THAT:

1. In committing the offense charged in Count One of this indictment,
defendant **EDUARDO LUIS LUGO:**

a. Committed an offense in which a dangerous weapon, that is,
a firearm, was possessed, as described in U.S.S.G. § 2D1.1(b)(1).

2. In committing the offense charged in Count Three of this indictment,
defendant **EDUARDO LUIS LUGO:**

a. Used and possessed a firearm and ammunition in connection with
another felony offense, as described in U.S.S.G. § 2K2.1(b)(5).

A TRUE BILL:

FOREPERSON

PATRICK L. MEEHAN
United States Attorney